

**Statutes of
Torsten Haferlach Leukämiediagnostik Stiftung
(Torsten Haferlach Leukemia Diagnostics Foundation)**

with registered office in Munich

Preamble

Correct and comprehensive diagnostics for leukemias and lymphomas from blood and bone marrow represent the basic prerequisite for an accurate diagnosis and classification, for the definition of prognosis factors and, in particular, for choosing the best possible therapy. The goal is to treat patients with leukemias and lymphomas optimally so that the best possible result can be achieved with the applied therapy. In many cases, a cure of the malignant disease is sought.

The current diagnostics for leukemias and lymphomas are based on a combination of different methods: cytomorphology and cytochemistry, histology and immunohistology, immunophenotyping, traditional chromosome analysis, fluorescence in situ hybridization (FISH) and molecular genetic methods for the detection of a quickly increasing number of mutations in individual genes. In individual cases, different combinations of the methods mentioned are necessary and useful. In addition, the detection of minimal residual disease is of great importance in order to be able to end therapy early or to have to resume it.

In the last 10 years, knowledge about the classification, prognosis and especially therapy for leukemias and lymphomas has increased significantly. In addition to the approval of new drugs, rapidly growing knowledge of cytogenetic and, in particular, molecular genetic changes has played a large role here. The currently valid classifications according to the WHO and prognosis assessments with the help of various scores, including ELN (European Leukemia Network), are daily practice.

Ensuring the right diagnostics and providing the various simultaneously required methods as well as the corresponding findings with understandable explanations for doctors and patients is a complex task. Furthermore, it must be guaranteed that the methods offered are accredited. Much remains to be done to map this infrastructure reliably, promptly and correctly worldwide.

The goal of this Foundation is to help develop an across-the-board approach that includes laboratories, workflows, bioinformatics and accredited tests. In addition, it is intended to promote the further development and training of staff employed in this area and practice-oriented research into leukemia diagnostics.

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1. Name, Legal Form, Registered Office

- 1.1 The Foundation bears the name Torsten Haferlach Leukämiediagnostik Stiftung.
- 1.2 It is a foundation under civil law with its registered office in Munich. The Foundation pursues public purposes.

2. Purpose of the Foundation

2.1 The purposes of the Foundation are as follows:

- 2.1.1 the promotion of science and research (Section 52 (2) (1) of the German Tax Code [Abgabenordnung, AO]) and
- 2.1.2 the promotion of the public health system and public health care (Section 52 (2) (3) AO)

in the interest of worldwide promotion of applied and patient-centered leukemia diagnostics.

2.2 The Foundation's purpose shall be realized in particular through the following measures:

The Foundation implements the purpose of the Foundation by carrying out its own projects which lead to the following results:

- 2.2.1 raising public interest in the best possible infrastructure and logistics for the prompt and correct diagnosis of patients with leukemias and lymphomas
- 2.2.2 improvement of laboratory infrastructure to strengthen leukemia diagnostics with state-of-the-art software, including the use of artificial intelligence in logistics and evaluation
- 2.2.3 improvement and implementation of digital concepts and networking in leukemia diagnostics
- 2.2.4 strengthening of diagnostic measures for leukemia diagnostics with the goal of applying targeted treatment strategies (so-called targeted treatment, precision medicine)

The Foundation can make use of the support of auxiliary persons and organizations that accompany and implement the projects under the supervision and leadership of the Foundation.

In particular, the Foundation awards scholarships for research and development work related to its own research projects in the field of user-oriented routine diagnostics for leukemias and lymphomas with the goal of implementation in daily practice; guidelines are issued for the awarding of these scholarships, which are made accessible to every one. The Foundation is entitled to the results of the research projects, which shall be made available to the general public.

The Foundation shall also achieve the purpose of the Foundation by generating and collecting financial or material resources in order to make them available to other charitable institutions and corporate enterprises or a legal entity under public law where such promote the same charitable purposes as outlined in paragraphs 1 and 2 (fundraising in the fiscal sense).

In particular, but not exclusively, these funds shall also be used for the following purposes in the area of leukemia diagnostics:

2.2.5 implementation of specific global projects and promotion of such projects through financial donations, with special attention to “less developed countries”

2.2.6 awarding of prizes for practical success or theoretical-preparatory work in the area of applied and patient-centered leukemia diagnostics

2.2.7 promotion of the establishment and funding of institution dealing with routine diagnostics for leukemias and lymphomas

2.2.8 promotion of interdisciplinary projects and digital structures between individual service providers, also internationally

2.3 The Foundation may pursue its purposes at home and abroad.

2.4 The Foundation pursues exclusively and directly charitable purposes within the meaning of the section “Tax-privileged Purposes” of the respectively valid version of the German Tax Code (AO).

3. Non-profit Status/Restrictions

3.1 The Foundation shall be a nonprofit organization. It does not primarily pursue its own economic purposes. It may not favor any legal entity or natural person through expenditures that are alien to the purpose of the Foundation or through disproportionately high support, donations or remuneration. The Foundation’s funds may only be used for purposes outlined in the Statutes. The founder and his heirs do not receive any financial benefits from the Foundation’s funds.

3.2 The Foundation may carry out its purposes itself or through auxiliary persons or by allocating its funds in part to another, likewise tax-privileged corporation or a corporation under public law for use for tax-privileged purposes.

3.3 The beneficiaries of the Foundation shall not be entitled to a legal claim to payments from the Foundation on the basis of these Statutes.

4. Endowment Capital

4.1 The endowment capital of the Foundation is derived from the endowment transaction. At the time the Foundation was established, it had cash assets of EUR 1,500,000.

4.2 The assets allocated to the Foundation for the continuous and sustainable fulfillment of its purpose (endowment capital) shall remain undiminished. They must be separated from the other Foundation assets in such a way that they can be recognized as independent assets. A register shall be kept and constantly updated on the value of the endowment capital. The endowment capital is to be invested safely and profitably.

4.3 Contributions to the Foundation assets (donations to the endowment capital) are always permitted. Donations shall be added to the endow-

ment capital if specified by the donor. Donations, e.g. on account of disposition due to death, as well as real estate are generally to be added to the endowment capital unless the donor and the Board of Trustees have specified otherwise. Donations that are not to be added to the endowment capital or other income from the assets of the Foundation are to be used to fulfill the purpose of the Foundation. The Foundation is not obliged to accept donations.

- 4.4 The assets of the Foundation may be reallocated in order to maintain their value or strengthen their earnings power. Potential real estate belonging to the Foundation shall only be sold if the economic situation of the Foundation so requires, whereby the proceeds shall, if possible, be used for the acquisition of real estate.

Profits from the reallocation of parts of the endowment capital can be added to a reallocation reserve, which is to be attributed to the endowment capital. By resolution of the Board of Directors, the funds from the reallocation reserve may be added in whole or in part to the endowment capital or used to fulfill the purposes outlined in the Statutes.

5. Foundation Funds

5.1 The Foundation shall fulfill its tasks from

- 5.1.1 the income generated by the assets of the Foundation (endowment capital and other assets),
- 5.1.2 donations, insofar as they are not intended by the donor to increase the endowment capital; Section 4.4 sentence 2 remains unaffected.

5.2 All funds may only be used for the purposes specified in the Statutes.

- 5.3 Within the framework of the applicable tax regulations, reserves may be formed, in particular to the extent that this is necessary to maintain the endowment capital undiminished in its value and to be able to continuously and sustainably fulfill the tax-privileged purposes in accordance with the Statutes, and to the extent that there are specific objectives and timeframes for the use of the reserves. The surplus of income over costs from asset management can be added to the endowment capital within the framework of the applicable tax regulations in order to maintain its value.

6. Boards of the Foundation

6.1 Boards of the Foundation are:

- 6.1.1 the Board of Directors,
- 6.1.2 the Board of Trustees.

6.2 The members of the boards of the Foundation are obliged to conscientiously and economically manage the Foundation.

- 6.3 The members of the boards of the Foundation shall act on a voluntary basis; they shall be entitled to reimbursement of their proven expenses to an appropriate extent. The Board of Trustees may decide on a lump sum appropriate in its amount for the cost of materials and expenditure of time by the members of the Foundation boards. This shall be cal-

culated in accordance with the principle of economy and on the basis of whether the Foundation funds permit the payment of remuneration.

6.4 The members of the Foundation boards are only liable for intent and gross negligence.

7. Board of Directors

7.1 The Board of Directors of the Foundation shall initially consist of one person nominated by the founder. The Board of Trustees may then elect further members of the Board of Directors at any time; the Board of Directors may consist of a maximum of five persons. If the Board of Directors consists of several members, the Board of Trustees shall appoint a Chairman of the Board of Directors and, if necessary, fill the other offices on the Board of Directors, in particular—if the Board of Directors has two or more members—the office of Vice Chairman, who shall represent the Chairman in all matters if the Chairman is unable to attend. Members of the Board of Directors may be re-elected multiple times.

With the approval of the Board of Trustees, the Board of Directors may issue rules of procedure for itself.

7.2 The term of office of the member or members of the Board of Directors shall be five years. The terms of office of all members of the Board of Directors shall be the same; the terms of office of members of the Board of Directors appointed later (during the 5-year term of the Board of Directors) shall end at the same time as the term of office of the entire Board of Directors. Even after the end of the term of office, the member or members of the Board of Directors shall remain in office until a new member/new members of the Board of Directors is/are appointed.

7.3 Membership on the Foundation's Board of Directors ends — except in the event of death —

7.3.1 with resignation, which can be submitted at any time,

7.3.2 at the end of the five-year term of office,

7.3.3 with the loss of legal capacity or with the appointment of a guardian,

7.3.4 with dismissal by the Board of Trustees for good cause; there does not have to be culpable conduct on the part of the affected member or damage suffered by the Foundation. The affected member shall be heard prior to dismissal.

Good cause for dismissal in the case of a member of the Board of Directors exists, for example, if

- they misuse the assets of the Foundation for their own purposes or for purposes outside the scope of the Statutes,
- they endanger the assets of the Foundation through risky speculative transactions,
- they violate the reporting and submission duties to the Board of Trustees,
- they deliberately deceive the other members of the Board of Directors about legally relevant facts,

- they are no longer capable of sound management,
- the relationship of trust with the appointing board is shattered,
- a conflict between individual members of the Foundation's boards considerably endangers constructive collaboration for the benefit of the Foundation.

8. Tasks of the Board Directors

8.1 The Board of Directors is responsible for the management of the Foundation. It conducts the day-to-day business in accordance with the guidelines and resolutions of the Board of Trustees. The tasks of the Board of Directors include in particular:

- 8.1.1 preparation of a business plan for the upcoming fiscal year
- 8.1.2 investment and management of the Foundation's assets, whereby it shall act with the diligence of a prudent businessman
- 8.1.3 submission of proposals for the use of the proceeds of the Foundation's assets and the use of certain donations
- 8.1.4 proper accounting and collection of receipts and supporting documents
- 8.1.5 preparation of the annual financial statements (statement of account and balance sheet) and a report on the fulfillment of the Foundation's purpose for the Board of Trustees within three months after the end of the fiscal year, as well as the submission of the aforementioned documents and a report on the audit of the annual financial statements (see paragraph 2) for the Supervisory Authority for Foundations within six months after the end of the fiscal year

8.2 The provisions applicable to corporations of a comparable size shall apply mutatis mutandis to the Foundation's financial reporting and the audit of the annual financial statements. The Board of Directors shall have the Foundation's annual financial statements audited by an auditing company, a public auditor or a sworn auditor. The auditor must be appointed by the Board of Trustees (see Section 12 (1)). The audit and the certificate certifying the result of the audit must also cover compliance with the principles of proper accounting, the maintenance of the endowment capital undiminished in its value and the proper use of income and donations intended for use.

8.3 The Board of Directors shall require the internal approval of the Board of Trustees for the following transactions:

- 8.3.1 in the case of the acquisition, sale or encumbrance of property or rights equivalent to property
- 8.3.2 in the case of taking out loans or assumption of guarantees
- 8.3.3 in the case of hiring or dismissing employees with monthly salaries in excess of EUR 3,000.00 or with a notice period of more than one year or with pension commitments; the employment of employees with monthly salaries is only possible if the Foundation's funds permit this

8.3.4 in the case of the conclusion or amendment of rental and lease agreements with a term of more than one year or a monthly rent exceeding EUR 5,000.00

8.3.5 generally for the conclusion of all transactions with an object value of more than EUR 50,000.00.

8.4 The Board of Directors is entitled to employ one or more managing directors for the Foundation at standard market conditions, insofar as the scope and tasks of the Foundation require special management and insofar as the Foundation's funds permit the employment of one or more managing directors.

8.5 The fiscal year is the calendar year.

9. Representation of the Foundation

9.1 The Board of Directors shall represent the Foundation in and out of court. It has the status of a legal representative.

9.2 If no more than three members have been appointed/elected, each member of the Board of Directors is authorized to represent the Foundation individually. If there are more than three members, the Foundation shall be represented jointly by two members of the Board of Directors.

9.3 The Board of Directors is authorized to handle urgent matters in place of the Board of Trustees and to pursue business that cannot be postponed. It must inform the Board of Trustees of this at the latest at the next meeting.

9.4 If the Foundation lacks the number of board members required to represent it due to matters related to individual board members, such as

9.4.1 persistent serious illness of at least four weeks; or

9.4.2 an absence of at least two weeks announced in writing; or

9.4.3 circumstances which are not only temporary, i.e. ruling out legal capacity for an unforeseeable period of time (e.g. coma); or

9.4.4 personal unavailability with regard to all known means of communication for a period of at least seven days,

the Foundation shall be represented as follows until the lack of representation has been remedied:

- If no member of the Board of Directors is available in the case of an appointment of up to three members of the Board of Directors, the Chairman of the Board of Trustees shall represent the Foundation. If he is also unable to represent, the Vice Chairman of the Board of Trustees shall be appointed to represent.
- If more than three members of the Board of Directors are appointed, the Foundation shall be represented by a member of the Board of Directors and the Chairman of the Board of Trustees; if no member of the Board of Directors is available, the Chairman of the Board of Trustees shall represent the Foundation alone. If the Chairman is also unable to represent the Foundation, the Vice Chairman of the Board of Trustees shall take their place in both cases.

10. Representation of the Foundation

10.1 Meetings of the Board of Directors shall be convened as required, but at least once every six months, with the agenda being provided. Meetings shall be convened in writing in text form (Section 126b of the German Civil Code [Bürgerliches Gesetzbuch, BGB]). In the case of a multi-member Board of Directors, meetings shall be convened by the Chairman of the Board of Directors or, if the Chairman is unable to do so, by the Vice Chairman. If requested by a member of the Board of Directors or the majority of the Board of Trustees, a meeting of the Board of Directors is to be convened. Invitations shall be sent with a notice period of at least one week, unless exceptional circumstances require a shorter period. Compliance with form requirements and deadlines may be waived by a unanimous resolution.

10.2 The Board of Directors shall constitute a quorum if it has been duly convened and more than half of its members, including the Chairman or the Vice Chairman, attend the meeting. In the case of a two- or multi-member Board of Directors, members who are not personally present may be represented by another member of the Board of Directors by written proxy or cast their vote in text form (Section 126b BGB). The Board of Directors adopts resolutions in meetings, insofar as no case under Section 14 applies, by a simple majority of the votes of the present members. In the case of a tied vote on a multi-member Board of Directors, the vote of the Chairman of the Board of Directors shall be decisive; in the case of the Chairman's inability to attend, the vote of the Vice Chairman shall be decisive. Abstentions will be treated as votes not cast.

10.3 Resolutions may also be adopted in text form (Section 126b BGB) by written circulation procedure if no member of the Board of Directors objects to this procedure. The draft resolution must be sent to the members of the Board of Directors in text form with a request for a reply within a certain period of time. The response period shall be at least one week from receipt of the draft resolution. After all replies have been received, but no later than three workdays after the deadline for replying has expired, the Chairman shall determine the result of the resolution and—if two or more members have been appointed or elected—forward it to the other members of the Board of Directors.

10.4 The written form requirement in accordance with paragraphs 1 and 3 shall be deemed to have been complied with by fax, e-mail or any other documentable means of transmitting votes in electronic form. This shall not apply to decisions in accordance with Section 14 of these Statutes.

10.5 Minutes shall be kept of the results of the meetings and of the resolutions adopted by written circular procedure. These minutes shall be signed by two members of the Board of Directors if more than one member of the Board of Directors is appointed and must be made available to all members of the boards of the Foundation within two weeks.

10.6 Members of the Board of Directors shall not be entitled to vote in the following matters:

10.6.1 in the case of the conclusion of a legal transaction between the Foundation and the member of the Board of Directors;

10.6.2 in the case of the initiation or settlement of a legal dispute between a member of the Board of Directors and the Foundation;

10.6.3 in the case of a decision on donations from the Foundation's funds

for a corporate body in which a member of the Board of Directors holds a position on a board.

10.7 The founder has the right to veto resolutions adopted by the Board of Directors; this must be announced to the Board of Directors within two weeks of receipt of the minutes. If the founder exercises his veto right, the resolution in question may not be implemented. Insofar as the Board of Directors considers the implementation of the vetoed resolution to be indispensable, it shall be submitted to the Board of Trustees for final decision with a statement from the Board of Directors. The veto may only be revoked by a unanimous decision of the Board of Trustees.

11. Boards of Trustees

11.1 The Board of Trustees shall consist of a minimum of five and a maximum of nine persons. Subject to the provisions of paragraph 2, the members of the Board of Trustees shall each be appointed or elected for a term of five years; re-election is permissible.

11.2 The first members of the Board of Trustees, including the Vice Chairman of the Board of Trustees, are appointed by the founder. The founder is at the same time a member and Chairman of the Board of Trustees for an indefinite period. After the founder has departed, the Board of Trustees shall elect a Chairman and a Vice Chairman from among its members for the duration of their term of office as members of the Board of Trustees.

11.3 If a member of the Board of Trustees is not appointed for an indefinite period of time, membership on the Board of Trustees shall end at the close of the year in which the member of the Board of Trustees reaches the age of 70. By resolution of the Board of Trustees, the term of office of a member of the Board of Trustees who has reached the age limit may be extended for another year. Such a resolution may be adopted several times for the same member.

11.4 After the appointment of the first members by the founder, the Board of Trustees shall add members by election (co-optation). A retiring member shall remain in office until the election of the succeeding member. The election must take place in good time before the end of the term of office for each member. The Board of Trustees may elect up to two alternate members for five years each. The alternate members are permitted to participate in meetings of the Board of Trustees without the right to vote. The alternate members shall fill a vacated office in the order of their election for the remaining term of office of a departing member of the Board of Trustees. If all members of the Board of Trustees have resigned without a new Board of Trustees having been appointed, the new Board of Trustees shall be appointed by the Munich District Court.

11.5 The office of a member of the Board of Trustees shall end not only upon death or dismissal for good cause (paragraph 6), but also upon completion of the term of office, resignation of office, which is permissible at any time, attainment of the age limit (see paragraph 3), unless the extension option is exercised, or upon court-mandated guardianship or the loss of legal capacity.

11.6 The Board of Trustees may dismiss an individual member from the Board of Trustees by resolution if there is good cause for such a dismissal; the resolution must be adopted unanimously by the other members. When the resolution is announced, the member shall resign from the

Board of Trustees. The affected member of the Board of Trustees shall have the right to a hearing.

There is good cause for dismissal, for example,

- if the member of the Board of Trustees deliberately deceived their fellow members of the Board of Trustees about legally relevant facts,
- the member is no longer capable of performing their duties properly,
- the relationship of trust with the appointing board is shattered,
- a conflict with other members of the Foundation's boards considerably endangers constructive collaboration for the benefit of the Foundation.

11.7 Members of the Board of Directors or employees of the Foundation, in particular managing directors (see Section 8.4), may not simultaneously be members of the Board of Trustees.

12. Representation of the Foundation

12.1 The Board of Trustees makes the fundamental strategic decisions to be made by the Foundation and advises and supports the Board of Directors in its activities. It must ensure that the purpose of the Foundation is fulfilled continuously and sustainably. The Board of Trustees shall decide in particular on the following:

12.1.1 the business plan,

12.1.2 the use of the income from the Foundation's assets and donations intended for use, including drawing up guidelines on the use of the Foundation's assets,

12.1.3 the annual financial statements,

12.1.4 the appointment of an auditing firm, a public auditor or a sworn auditor,

12.1.5 the election and dismissal of the members of the Board of Directors,

12.1.6 the discharge of the Board of Directors,

12.1.7 amendments to the Foundation's Statutes and applications for conversion or dissolution of the Foundation,

12.1.8 the approval of important legal transactions of the Foundation,

12.1.9 the external representation of the Foundation.

12.2 The Board of Trustees may appoint professional auditors to check the management of the Board of Directors' business, provided that their costs can be borne by the Foundation's funds. Each individual member of the Board of Trustees has a comprehensive right to information and examination.

13. Course of Business/Resolutions Adopted by the Board of Trustees

13.1 The Board of Trustees shall be convened by the Chairman or, in his ab-

sence, by the Vice Chairman as required, but at least once a calendar year, with the agenda being provided and an invitation period of at least two weeks being complied with. Meetings shall be convened in writing in text form (Section 126b of the German Civil Code [Bürgerliches Gesetzbuch, BGB]). The Board of Trustees may also be convened by at least two members or by the Board of Directors if the convening of the meeting did not take place within a reasonable period despite their written request for the convening of the meeting. Compliance with form requirements and deadlines may be unanimously waived.

13.2 The Board of Trustees shall constitute a quorum if it has been duly convened and more than half of its members, including the Chairman or the Vice Chairman, are present. The Board of Trustees adopts resolutions in meetings, insofar as no case under Section 15 applies, by a simple majority of the votes, unless the Statutes contain a provision to the contrary. Members who are not personally present may be represented by other members of the Board of Trustees by written proxy or by alternate members present, or may cast their vote in text form (Section 126b BGB). However, each member of the Board of Trustees or alternate member may only cast one vote as a proxy. In the event of a tied vote, the vote of the Chairman shall be decisive; in the event of the Chairman's inability to attend, the vote of the Vice Chairman shall be decisive. Abstentions will be treated as votes not cast.

13.3 The resolutions adopted by the Board of Trustees shall be recorded in minutes, which shall be signed by two members of the Board of Trustees. Section 10.3 to 10.5 shall apply mutatis mutandis.

13.4 The Board of Trustees may adopt rules of procedure with a simple majority of votes.

14. Amendments to the Statutes, Conversion and Dissolution of the Foundation

14.1 Amendments to the Statutes are permissible if, in the opinion of the Board of Directors and the Board of Trustees, they appear necessary in order to adapt to changes in the legal or factual circumstances, in particular to maintain the performance and functionality of the Foundation. Insofar as amendments to the Statutes may affect the tax privileges of the Foundation, they must be submitted to the competent tax authority for comment.

14.2 Changes to the purpose of the Foundation are only permissible if the tasks of the Foundation are no longer performed or if the fulfilment of the purpose of the Foundation is impossible or no longer appears meaningful in its statutory form due to changes in circumstances. The change in purpose should come as close as possible to the original purpose of the Foundation. Changes in purpose will only take effect with the approval of the competent tax authority. Conversion and dissolution are governed by statutory provisions.

14.3 Amendments to the Statutes shall be adopted by the founder during his lifetime; the Board of Trustees shall be consulted. After the founder has left the Board of Trustees, the Board of Trustees shall adopt resolutions amending the Statutes by a majority of three quarters of the votes of all members of the Board of Trustees actually appointed for the Foundation; this means that four members must approve a resolution in the case of the appointment of five members of the Board of Trustees, and seven members must approve in the case of nine members on the board. In deviation from Section 13.2, there shall be a quorum for the Board of Trustees in the case of amendments to the Statutes only if at least the number of members of the Board of Trustees required to

amend the Statutes is personally present; the Board of Directors shall be given the opportunity to comment in advance. Resolutions on amendments to the Statutes may not be adopted by written circulation procedure. The resolutions become effective only after approval or decision by the Foundation Recognition Authority [Stiftungsanerkennungsbehörde].

15. Transfer of Accumulated Assets

If the Foundation is dissolved or its tax-privileged purposes cease to apply, the remaining assets of the Foundation shall be transferred to the DFG, Deutsche Forschungsgemeinschaft e.V., in Bonn (VR 2030, Bonn). The beneficiary must use the remaining assets exclusively and directly for charitable purposes, taking into account the purpose of the Foundation.

16. Supervision of Foundation

16.1 The Foundation shall be subject to the Supervisory Authority for the government of Upper Bavaria.

16.2 The Supervisory Authority for Foundations must be informed immediately of any changes in the address, authorization to represent and the composition of the boards of the Foundation as well as of any de-recognition of the non-profit status of the Foundation by the tax office. Rules of procedure issued in accordance with these Statutes shall be submitted for informational purposes in the current version.

17. Entry into Force

These Statutes enter into force with the recognition of the Foundation by the government of Upper Bavaria.